HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Appeal No.277 of 2007

-
-

Between:

Government of Andhra Pradesh,
represented by its Secretary,
Panchayat Raj Department,
Secretariat, Hyderabad
and two others. …Appellants

And

K. Rangakara Rao and others. …Respondents.

:: J U D G M E N T ::

Counsel for the appellants : Sri J. Sudheer,
Special Government Pleader.

5th April, 2007

Per G.S. SINGHVI, C.J.

This appeal by the Government of Andhra Pradesh and two others is directed against order dated 16-11-2005 passed by the learned Single Judge in Writ Petition No.23671 of 1996, whereby he quashed G.O.Ms.No.543, Panchayat Raj, Rural Development and Relief (MDL.II) Department, dated
3-7-1995 and declared that the Andhra Pradesh State Chamber of Panchayat Raj (hereinafter described as, 'the Institution') shall remain in existence till it is wound up/dissolved in accordance with law.

The Institution was created vide G.O.Ms.No.924, Planning and Local Administration (Panchayats-II) Department, dated 15-6-1961 for strengthening and smooth functioning of Panchayat Raj bodies in the State. Respondent Nos.1 to 41 are either the employees or legal representatives of the deceased employees of the Institution. They jointly filed the writ petition for quashing G.O.Ms.No.543, dated 3-7-1995 issued by the State Government for winding up of the Institution by contending that even though the Institution was initially created by an executive order of the State Government, the same was subsequently registered under the Andhra Pradesh (Telangana Area) Public Societies Registration Act, 1350 F. and, therefore, the State Government did not have the power, jurisdiction or authority to wind up the same by an executive order.

In the counter affidavit filed on behalf of the appellant, it was conceded that the Institution was registered as a society, but it was pleaded that the State Government did not commit any illegality by winding up the same by an executive fiat.

The learned Single Judge extensively referred to the provisions of the Andhra Pradesh (Telanga Area) Public Societies Registration Act and the Andhra Pradesh Societies Registration Act, 2001 (for short, 'the 2001 Act') and held that after its registration under the 2001 Act, the State Government could not abolish the Institution by an executive order.

Sri J. Sudheer, learned Special Government Pleader fairly conceded that after its creation by an executive order of the government,

the institution was registered as a society under the Andhra Pradesh (Telangana Area) Public Societies Registration Act, but argued that its winding up by an executive order cannot be faulted because its functioning had become purposeless. Learned counsel emphasised that in its capacity as

pater famialias, the State Government could abolish the institution and no illegality was committed by doing so because the Institution had outlived its utility.

We have given serious thought to the arguments of the learned counsel, but have not felt impressed. In our opinion, after its registration as a society, the Institution could not have been abolished or wound up by the government without following the procedure prescribed by the 2001 Act and without complying with the rules of natural justice, which was admittedly not done. Therefore, we do not find any error in the order under challenge whereby the learned Single Judge nullified the government's decision to abolish the Institution.

In the result, the appeal is dismissed.

G.S.SINGHVI, C.J.

5th April, 2007

C.V.NAGARJUNA REDDY, J.

ARS